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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,251	12/21/2001	Peter V. Radatti	CSI-01	6643

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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/032,251	RADATTI, PETER V.	
	Examiner	Art Unit	
	Michael Pyzocha	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-27 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-27 are pending.
2. Amendment filed 02/27/2006 has been received and considered.

Drawings

3. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

Claim Rejections - 35 USC § 112

4. The rejection made under the second paragraph of 35 U.S.C. 112 has been withdrawn based on the filed amendment.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4, 6, 8, 11, 13-21, 23 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Feigen et al (US 20020138554).

As per claims 1, 16-19 and 25, Feigen et al discloses providing a hash code table of a client; providing a client state code of a client; and comparing said client state code to said hash code table (see paragraphs 8 and 10) and generating an alert mechanism when a deviation threshold is reached based on a deviation between said hash code table values for said client and said client state code (see paragraph 16).

As per claims 2-3 and 20, Feigen et al discloses a secure hash code table (see paragraph 8).

As per claims 4 and 14-15, Feigen et al discloses at least one compiled client hash value (see paragraphs 8 and 10 where applications are compiled and these are then hashed making them compiled client hash values).

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As per claim 6, Feigen et al discloses generating the hash table using at least one exemplary system (see paragraphs 8 and 10).

As per claims 8, 11, 21 and 23, Feigen et al discloses reporting the results of the comparison and initiating a client status mechanism (see paragraphs 8, 10 and 16).

As per claim 13, Feigen et al discloses generating a client state code using at least one compiled client hash value (see paragraph 8).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 5 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feigen et al as applied to claim 3 above, in view of Crockett et al (US 5619644).

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As per claims 5 and 26-27, Feigen et al fails to disclose grouping the secure system data file and extracting the modal hash value.

However, Crockett teaches grouping files (see column 3 line 59 through column 4 line 22) and Official Notice is taken regarding extracting the modal hash value.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Crockett's teaching to group Feigen et al's files and to extract the modal hash value.

Motivation to do so would have been to recover from a disaster and to use the most common value among the group.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feigen et al as applied to claim 3 above, and further in view of IEEE.

As per claim 7, Feigen et al fails to disclose using a baseline to generate the table.

However, IEEE teaches the use of a baseline (see page 87).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use IEEE's baseline to generate Feigen et al's table.

Motivation to do so would have been to have an agreed upon product (see page 87).

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10. Claims 9 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Feigen et al.

As per claims 9 and 22, Angelo fails to disclose logging the results of the comparison.

However, Official Notice is taken that at the time of the invention it would have been obvious to one of ordinary skill in the art to log Feigen et al's comparison results.

Motivation to do so would have been to have a record of the comparison.

11. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feigen et al as applied to claim 1 above, and further in view of Adya et al (US 20020188605).

As per claim 10, Feigen et al fails to disclose securing a client in lock down mode.

However, Adya et al teach such a limitation (see paragraphs 144-146).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have Feigen et al include the step of securing a system in lock down mode.

Motivation to do so would have been securing a system in lock down mode because it provides for database security and file authentication.

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12. Claims 12 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feigen et al as applied to claims 1 and 19 above, and further in view of Pascucci et al (US 5463735).

As per claims 12 and 24, Feigen et al fails to disclose initiating an Auto Restore component.

However, Pascucci et al teaches an Auto Restore component (see column 72 lines 47-65).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Pascucci et al's auto restore feature in the system of Feigen et al.

Motivation to do so would have been to prevent commands from being issued until after all regularly time scheduled commands have been updated.

Double Patenting

13. Applicant is advised that should claims 18 and 19 be found allowable, claim 19 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

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14. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

15. Claims 1-3, 8-11, 13-23 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11-15, 18, 20, 22-24 of copending Application No. 10/032252. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in the instant application are substantially the same as the claims in the cited application and it would have been obvious at the time of the invention to one of ordinary skill in the art to use the claims in 10/032252 to secure, maintain, monitor, and control computer networks and clients. Motivation to do so would have been to protect a network.

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This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

16. Claims 4-7, 12 and 24 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11-15, 18, 20, 22-24 of copending Application No. 10/032252 in view of Feigen et al, Crocket et al, IEEE, and Pascucci et al as applied in the above claims.

This is a provisional obviousness-type double patenting rejection.

Response to Arguments

17. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

18. In response to Applicant's argument with respect to the requirement for drawings, the Examiner believes drawings would enhance the present application and requires they be submitted.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takahashi et al (US 6195432 B1) teaches a method of using hashing to protect data on a network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael


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Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER